

REMARKS

Claims 1 and 2 are pending. Claim 1 has been amended to improve its form but not to overcome the prior art. No new matter has been presented.

The application was objected to because no drawing was found. Although the drawing was submitted as part of the PCT application, Fig. 1 is attached to this amendment.

Claim 1 was objected to for grammar and punctuation. Claim 1 has been amended to correct grammar and punctuation. Applicants wish to note that it appears that the Examiner failed to consider the Preliminary Amendment filed on July 31, 2002. Claim 1 has been further amended in reference to the amendments made in this Preliminary Amendment but claim 2 remains as amended therein and is reproduced for the Examiner's consideration.

Claims 1 and 2 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to overcome this rejection. Applicant respectfully requests that this rejection be withdrawn.

Claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by Long et al., U.S. Patent 5,239,472. This rejection is respectfully traversed.

The Examiner correctly notes that Long is disclosed in the present application. However, the Examiner fails to note that Long teaches that the route data and predefined timetable are transmitted to the rail vehicle by a track-mounted computing unit before the rail vehicle is put into operation, and are permanently stored in the computing unit. Thus, the device of Long cannot be relied upon if there are operating faults once the rail vehicle is put into operation (see pg. 2, lines 18-33). The claimed device overcomes this limitation because a data input at which a timetable modification variable can be input into the device, and the control unit is configured in such a way that, if a timetable modification variable is input, it forms a modified timetable with the predefined, stored timetable and the timetable modification variable which is input, and determines the


remaining travel time and the deactivation time based on the modified timetable instead of the stored timetable (see pg. 2, line 35 through pg. 3, line 8). Long does not teach or suggest this feature. Accordingly, Applicant requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122014700.

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Respectfully submitted,

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Attachment: Fig. 1